

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

Chapter 7

**JOSEPH G. KELLEY CONSTRUCTION
MANAGEMENT, INC.,**

Case No. 8-16-70246-LAS

Debtor.

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TO ALL CREDITORS AND PARTIES IN INTEREST:

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Application (the “Application”) of Robert L. Pryor, Esq., Chapter 7 Trustee (the “Trustee”) of the Bankruptcy Estate of Joseph G. Kelley Construction Management, Inc. (the “Debtor”), by his attorneys, Pryor & Mandelup, L.L.P., a hearing will be held on December 8, 2016 at 10:00 a.m. (the “Hearing Date”), or as soon thereafter as counsel can be heard, before the Honorable Louis A. Scarcella, United States Bankruptcy Judge, at the United States Bankruptcy Court, Alfonse M. D’Amato U.S. Courthouse, 290 Federal Plaza, Room 970, Central Islip, New York 11722 for the entry of an Order: (1) abandoning the Estate’s interest in and to the Debtor’s plodder HPT 1100 plan printer, office supplies, filing cabinets, furniture and miscellaneous construction materials contained in the Debtor’s storage facility located at Despatch Self Storage, Inc., Unit 1107, 229 Butter Lane, Bridgehampton, New York 11932 back to the Debtor pursuant to 11 U.S.C. §554, Bankruptcy Rule 6007, and EDNY LBR 6007-1 and (2) granting such other and further relief as to this Court is just and proper.

BACKGROUND

The Debtor is leasing storage Unit 1107 with Despatch Self Storage, Inc., located at 229 Butter Lane, Bridgehampton, New York 11932. According to the Trustee’s Accountant, Gary Lampert, CPA, the contents of Unit 1107 consists of the Debtor’s plodder HPT 1100 plan printer, office supplies, filing cabinets, furniture and miscellaneous construction materials. Mr. Lampert has advised the Trustee that he has removed all records stored at Unit 1107 that are

needed to review and re-construct the Debtor's financial history and transactions prior to the Debtor's Bankruptcy filing. The remaining items are not necessary towards the administration of the Estate, nor are they of any consequential value to warrant liquidation of same by the Trustee.

In the present scenario, the Trustee has no use for the items remaining in storage Unit 1107 and same are burdensome or of inconsequential value or benefit to this Estate. Moreover, the Estate has incurred and will continue to incur charges to Despatch Self Storage, Inc. for the storage of these items. Predicated upon same, the items remaining in Unit 1107 should be abandoned back to the Debtor, Joseph G. Kelley Construction Management, Inc., pursuant to 11 U.S.C. §554, Bankruptcy Rule 6007, and EDNY LBR 6007-1.

PLEASE TAKE FURTHER NOTICE, that pursuant to E.D.N.Y. LBR 9006-1(a), any objection or response (the "Objections") to the Application must be made in writing, must state the standing of the objectant, state with particularity the grounds for the objection, shall conform to the Federal Rules of Bankruptcy Procedure and Local Rules of the Bankruptcy Court, and shall be filed with the Bankruptcy Court electronically in accordance with General Order 559. (General Order 559 and the User's Manual for the Electronic Case Filing System can be found at www.nyeb.uscourts.gov, the official Web-site of the Bankruptcy Court), by registered users of the Bankruptcy Court's case filing system and, by all other parties in interest, on a 3.5 inch diskette, CD or DVD preferably in Portable Document Format (PDF), Microsoft Word or any other Windows-based word-processing format (with a hard-copy delivered directly to the Chambers of Hon. Louis A. Scarcella, at the above address), and must be served in accordance with General Order 559 upon: (i) Pryor & Mandelup, L.L.P., Counsel to the Trustee, 675 Old Country Road, Westbury, NY 11590, Attn: Michael Farina, Esq., and (ii) the Office of the United States Trustee, 560 Federal Plaza, Central Islip, NY 11722, so as to be filed and actually received no later than December 1, 2016 at 5:00 p.m. on that day (the "Objection Date").

PLEASE TAKE FURTHER NOTICE, that if no objections are received by the Objection Date, the relief requested in the Application may be granted without a hearing.

Dated: Westbury, New York
November 7th, 2016

PRYOR & MANDELUP, L.L.P.
Attorneys for the Trustee, Robert L. Pryor

By: s/ Michael Farina
Michael Farina
675 Old Country Road
Westbury, New York 11590
(516) 997-0999